

**Mayor Patrick McCrory**

Nancy Carter  
Harold Cogdell, Jr.  
Malcolm Graham  
Don Lochman  
James E. Mitchell, Jr.

**Mayor Pro Tem Patrick De'Angelo Cannon**

Patrick Mumford  
Sara S. Spencer  
John Tabor  
Lynn Wheeler  
Joe White

## **CITY COUNCIL MEETING**

**Monday, May 12, 2003**

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**4:00 p.m.**

**Meeting Chamber  
Budget Presentation**

**5:00 p.m.**

**Conference Center**

**Dinner Briefing  
(See Table of Contents)**

**7:00 p.m.**

**Meeting Chamber**  
- **Invocation**  
- **Pledge of Allegiance**  
- **Awards and Recognitions**  
- **Formal Business Meeting**



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## **5:00 P.M. DINNER BRIEFING CONFERENCE CENTER**

### **1. Legislative Update**

**Resource:** Boyd Cauble, City Manager's Office

**Time:** 20 minutes

**Synopsis of Presentation:**

Staff will provide an update on recent actions in the North Carolina General Assembly.

### **2. Public Art Ordinance Revisions**

**Resources:** Curt Walton, City Manager's Office  
Pat Riley, Arts and Science Council Executive Committee  
Jean Greer, Public Art Commission/Arts and Science Council  
Jude Starrett, City Attorney's Office

**Time:** 20 minutes

**Synopsis of Presentation:**

In 1993 the City adopted a public art ordinance that allowed for up to 1% of the cost of capital projects to be allocated for public art. A number of types of capital projects were excluded. The revised ordinance requires 1% of the projected construction costs be budgeted for public art. Also, eligible projects have been expanded to include all projects "with the exception of those (1) projects that have statutory, contractual or other legal restrictions or prohibitions upon the expenditure of project funds for public art, and (2) those Art in Transit Projects that are governed by the guidelines established by the Metropolitan Transit Commission for CATS' capital programs."

The ordinance reserves Council's right to exclude certain projects or to limit the percentage appropriated on a case-by-case basis.

**Future Action:** Council will consider the public art ordinance revisions on May 27, 2003.

**Attachment 1**

Draft Public Art Ordinance

### 3. Historic Trolley Service Plan Update

**Resource:** Ron Tober, Charlotte Area Transit System (CATS)

**Time:** 20 minutes

**Synopsis of Presentation:**

CATS' staff will provide a status report on plans to inaugurate full historic trolley service later this year in the rail corridor between South End and Uptown. The presentation will cover proposed service schedules and the equipment that will be used, including replica cars to be acquired and plans to prepare historic cars for regular service.

The presentation will cover the status of efforts to acquire a trolley barn from which to operate trolley service. Staff will describe how these plans are reflected in the FY2004-05 Transit Program approved by the Metropolitan Transit Commission. The presentation will describe the agreements that will be needed to make the plans a reality with the County, Charlotte Trolley, Inc., and other property interests involved in the trolley barn.

**Future Action:** Council actions will include:

- Approval of the FY2004-05 Transit Program (May 12, 2003)
- Approval of an agreement with Charlotte Trolley, Inc.
- Approval of equipment lease, purchase and/or repair contracts
- Approval of property acquisition agreements for the trolley barn
- Approval of design and construction contracts for the trolley barn

### 4. Charlotte Arena Design Update

**Resources:** Jim Schumacher, Engineering and Property Management  
Doug Brown, Ellerbe Becket

**Time:** 20 minutes

**Synopsis of Presentation:**

This presentation will provide updates on the following items:

- Arena design
- Construction Manager at Risk contract negotiations
- Owner's Representative contract negotiations
- Initial bid package status

**5. Committee Reports by Exception**

Transportation: NC Moving Ahead Initiative

Community Safety: Non-Consensual Towing Ordinance

Communities Within A City: Belmont Area Revitalization Plan; 2003

Housing Trust Fund Project Recommendations

Restructuring Government: Four-Year Staggered Terms for Mayor  
and Council

## **7:00 P.M. AWARDS AND RECOGNITIONS MEETING CHAMBER**

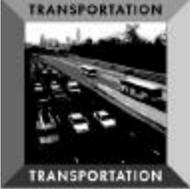
### **CONSENT**

- 6. Consent agenda items 20 through 35 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

# POLICY

## 7. City Manager's Report

## 8. FY2004-2005 Transit Program



**Action: Approve CATS FY2004-FY2005 Transit Operating Program and FY2004-FY2008 Transit Capital Program which were approved by the Metropolitan Transit Commission on March 26, 2003.**

**Staff Resource:** Ron Tober, Charlotte Area Transit System (CATS)  
Dee Pereira, Charlotte Area Transit System (CATS)

### **Policy:**

The February 1999 Transit Governance Interlocal Agreement calls for the Mecklenburg County Board of Commissioners and the Charlotte City Council to each approve the CATS capital and operating programs. Upon approval by both governing boards, the Charlotte City Council shall fund the programs through its budget process.

### **Explanation:**

On March 26, 2003, the Metropolitan Transit Commission (MTC) approved the CATS FY2004-FY2005 Transit Operating Program and FY2004-FY2008 Transit Capital Program which were developed in accordance with the following policy directives:

- Continued implementation of the 2025 Integrated Transit/Land Use Plan
- Achievement of CATS mission, vision and strategic goals
- CATS financial policies
- CATS business priorities

The \$261,630,795 FY2004 Transit Program includes \$65,371,340 for operating programs and \$196,259,455 for capital improvements. In FY2005, the \$203,932,457 Transit Program allocates \$71,039,646 to operating programs and \$132,892,811 to capital improvements. During the two-year period \$28,429,915 will be drawn down from the Capital Reserve Fund. The Capital Reserve Fund balance is projected to be \$103,606,234 at the end of FY2005.

Key assumptions of the Transit Program are:

- Sales tax revenue: +2.5% in FY2004 and +3.5% in FY2005
- State operating assistance: +7% per year
- Rapid transit funding: 50% federal; 25% state; 25% local

Highlights of the FY2004-FY2005 Transit Program are:

- Implementation of the 2025 Corridor System Plan
- South Corridor Light Rail Project in final design and construction
- Fare increase in October 2003 (from \$1.00 to \$1.10 for local fare, \$1.40 to \$1.55 for express fare and \$2.00 to \$2.20 for regional express)
- Operation of the historic trolley service

Key elements of the FY2004-FY2008 Capital Plan are:

- Four corridors in preliminary engineering
- South Corridor Project:
  - Property acquisition
  - Light rail vehicles
  - Track and systems construction
  - Light rail maintenance facility
- Trolley maintenance facility and trolley cars
- 191 new and replacement buses
- Second bus garage

**Committee Discussion:**

The FY2004-FY2005 Transit Operating Program and FY2004-FY2008 Transit Capital Program were presented to Council at the March 5, 2003 Council Budget Retreat.

**Community Input:**

The Citizens Transit Advisory Group reviewed the FY2004-FY2005 Operating Program and the five-year Capital Program and recommended adoption by the MTC.

The Transit Services Advisory Committee reviewed the fare increase proposal and recommended adoption by the MTC.

CATS held a public hearing and public comment period on February 26, 2003 on the proposed fare increase.

The MTC unanimously approved the FY2004-FY2005 Transit Operating Program and FY2004-FY2008 Transit Capital Program on March 26, 2003.

**Funding:**

Public Transit Fund

**Attachment 2**

FY2004-FY2005 Transit Program Summary  
FY2004-FY2005 Financial Policy Performance Indicators  
FY2004-FY2005 Transit Program Income  
FY2000-FY2005 Change in Service Level  
FY2001-FY2005 Staffing Level  
FY2004-FY2005 Transit Operating Program Detail

FY2004-FY2005 Transit Program Level Changes  
 FY2004-FY2008 5-Year Transit Capital Program Summary

## 9. General Development Policies



**Action: Approve the revised staff recommended schedule for completing the General Development Policies.**

**Staff Resource:** Martin Cramton, Planning

### **Explanation:**

At the May 5th Workshop, Council discussed the process and schedule for completion of the General Development Policies (GDP). Council directed staff to revise the proposed schedule to include additional stakeholder meetings, as well as special workshops for Council. Staff's revised recommendation includes three additional stakeholder meetings as well as special Council workshops. The revised schedule extends the adoption schedule into the Spring of 2004.

The Chamber Land Use Committee requested that four stakeholder meetings be added to the schedule. One of these additional meetings was proposed to discuss a topic not currently being addressed in the GDP (Transit Station Transitional Development). The revised schedule includes three additional stakeholder meetings. Staff recommends addressing the Transit Station Transitional Development Guidelines as part of the next phase of the Transit Corridor Planning Process.

### **Attachment 3**

General Development Policies Tentative Review and Adoption Schedule

## 10. Floodplain Ordinance and Map Revisions

**Action: Adopt an ordinance amending City Code Chapter 9 concerning floodplains and adopt maps reflecting the revisions.**

**Staff Resource:** Tim Richards, Engineering and Property Management

### **Explanation:**

The revised floodplain ordinance and maps reflect new Federal Emergency Management Association (FEMA) requirements and remove wording about the interim maps used since January 1999. The revised ordinance makes the new maps effective with the latest available data.

The major revisions to the Floodplain Ordinance and Maps are:

- The maps reflect recent flood studies that result in increases of approximately two-feet in 100-year flood levels.
- The maps reflect a development minimum elevation that is two-feet above the projected flood level (e.g., the two-foot safety factor).
- The ordinance retains the grandfathering rules used across the County (i.e., generally, unless a property has to re-build or renovate greater than 50% of the structure, existing elevations can be used instead of the higher, new elevations).

The revisions to City Code Chapter 9 concerning floodplains and maps are recommended by the Storm Water Advisory Committee (SWAC) and City and County Engineering staffs.

Council received a dinner briefing on March 24, 2003 concerning the floodplain ordinance revisions. The public hearing was held on April 28, 2003.

**Community Input:**

In addition to the public hearing, several public meetings have been held since May 2001 to review issues, study results and resident concerns. Approximately six technical committee meetings and several meetings of the Storm Water Advisory Committee (SWAC) and its subcommittee have addressed these issues.

**Attachment 4**

Questions and Answers from Public Hearing  
Ordinance

## 11. Creation of University City Municipal Service District

**Action: Adopt a resolution to create the University City Municipal Service District to be effective on July 1, 2003.**

**Resources:**

Edna Chirico, University City Area Council  
Matt Bronson, Budget and Evaluation  
Tom Flynn, Economic Development

**Policy:**

Under North Carolina law (G.S. 160A-535 et seq.), Council may define any number of municipal service districts to provide additional services in addition to, or to a greater extent than those maintained for the entire city. Urban area development projects are one of the municipal services for which a district can be created.

**Explanation:**

On January 28, 2003, the Chamber's University City Area Council requested that the City create a municipal service district (MSD) to enhance the economic vitality of the University City area. The creation of an MSD is one of the first action steps from the University City Strategic Plan approved by Council in December 2002. On February 10, 2003, Council approved the process to consider creation of this MSD and directed staff to prepare a report documenting district boundaries, tax rate and revenue, and plan for providing services. A public hearing was held on April 28, 2003 to receive comments on the proposed district. The proposed resolution that would create the district addresses Council and citizen feedback from the public hearing.

If Council adopts the resolution, the MSD tax rate and contract for services would be set by Council as part of the budget ordinance on June 23, 2003.

**Background:**

Municipal service districts (MSDs) are created to promote economic development through services, programs, and advocacy. MSDs are funded through an additional ad valorem tax levy on property within the district. All of the money raised by the MSD assessment must be spent on enhancement programs within that district. The City currently has four MSDs: three in Center City and one in South End.

Overview of District

The University City Municipal Service District (MSD) is proposed to coordinate public and private sector decisions in the University City area to:

- promote, plan, and fund capital investments such as sidewalks, pedestrian lighting, and streetscape planning to enhance the economic vitality of the area
- promote and market University City through signage and marketing and communication materials to increase tax base and create a unique identity for University City
- provide advocacy to represent area interests to public and private sector entities.

These services would be provided by a proposed University City MSD tax rate of three cents per \$100 valuation for the property in the defined MSD area. This three-cent rate would generate approximately \$160,000 based on January 2003 property values. If the MSD is approved by Council, the City would enter into a contract with University City Partners, Inc. to provide services outlined in the attached work plan. University City Partners is a new non-profit corporation created to administer these services pending Council approval.

### Boundaries

The proposed boundaries of the University City MSD would encompass approximately 540 taxable parcels and include properties between the Highway 29/49 connector off Interstate 85 on the south, Interstate 85 on the west, Mallard Creek Church Road on the north, and the rear property line of parcels on the east side of Highway 49 on the east. The district is primarily focused along major transportation and transit corridors, including Highways 29 (Tryon Street) and 49 (University City Boulevard), as well as Harris Boulevard.

State law outlines several guidelines for determining boundaries of municipal service districts. Properties within the University City MSD boundaries must satisfy at least one of the following statutory guidelines:

- location in or surrounding existing or redeveloping concentrations of retail, office, or significant employment-generating uses
- surrounding major institutional uses, such as a university or hospital
- location within 1,500 feet of major transportation and transit corridors, except for residential parcels which must be within 150 feet

### **Community Input:**

A subcommittee of the University City Area Council (UCAC) recommended the proposed boundaries, tax rate, and proposed work plan for a University City MSD, which were then unanimously approved by the full UCAC Board. The UCAC based these recommendations on the service needs of the area and identifying properties that would benefit the most from being in an MSD. Input for the MSD boundaries, rate, and work plan was also generated from University City stakeholder meetings held in November 2002 and February 2003.

At the April 28, 2003 public hearing, eight speakers commented on the proposed district (summary of comments is attached). Three issues raised during the public hearing included:

- Inclusion of residential properties within the district
- Role of non-taxable entities such as UNC Charlotte and Carolinas Medical Center-University
- Level of support for MSD within district

As a result of feedback on inclusion of residential parcels, the University City Partners (UCP) Board and City staff have reviewed the selection of parcels using the three statutory guidelines listed above. Based on the district's focus of proximity to major transportation corridors, the UCP Board recommends excluding all residential parcels further than 150 feet from these corridors unless there is an overriding justification to include such parcels using one of the other statutory guidelines. The UCP Board believes that such a justification exists for the residential parcels within the proposed MSD that are in or surrounding the University Place development. These

parcels include the Lakeshore Village and Audobon Parc condominiums and Walden Court Apartments. This justification is due to:

1. The significant concentration of retail, office, and commercial development around the University Place development. This area is envisioned as the “town center” of University City in the University City Strategic Plan and should significantly benefit from the services provided by the MSD.
2. The zoning of these residential parcels is B1SCD, a nonresidential zoning designation that authorize mixed-use development at University Place. Because of this mixed-use designation, these parcels also fall under the nonresidential parcel guideline of location within 1,500 feet of a major transportation corridor (Highway 29). Other nearby residential developments are not included due to their zoning designation and distance from a major transportation corridor.

This recommendation does include the removal of residential parcels along Mallard Creek Church Road and Clark Boulevard that are outside 150 feet of a major transportation corridor and for which there is not an overriding justification for including them in the district. The Mallard Creek Church Road parcels contain part of the University Terrace condominiums while the Clark Boulevard parcels contain a small single-family neighborhood. The estimated MSD revenue loss from this removal is \$4,000. Also, the properties of two other speakers (James and Donald Killian) would remain in the district under this recommendation as both properties are zoned non-residential and are within 150 feet of Highway 49.

The University City Partners Board does not recommend excluding all residential properties from the MSD due to the revenue impact and the precedent of not including residential properties despite close proximity to transportation corridors or business areas. The current MSDs in Center City and South End contain some residential properties within their boundaries.

The University City Partners has received a significant level of support for the proposed MSD within the district. As non-taxable entities, UNC Charlotte and Carolinas Medical Center-University have pledged substantial in-kind assistance to help the University City Partners provide services in the MSD. University City Partners has also received six letters of support from major property owners in the district, many of whom are represented on the University City Partners Board.

As part of the public notification process, all property owners within the proposed MSD were sent a letter in late March 2003 notifying them of the proposed district and public hearing.

## **Attachment 5**

Resolution

Map of proposed University City MSD

Listing of Tax Parcels

Proposed MSD Work Plan and Staff Report  
Summary of April 28, 2003 public hearing comments

## 12. Belmont Area Revitalization Plan



**Action: Approve the Communities Within A City Committee (CWAC) recommendation to approve the Belmont Area Revitalization Plan Volume I Concept Plan and receive as information Volume II Implementation Plan as amended.**

**Committee Chair:** Pat Mumford

**Staff Resource:** Debra Campbell, Planning Commission

### **Explanation:**

The draft Belmont Area Revitalization Plan was developed in response to City Council's 2001-2002 priority for this area. The Plan's boundaries are defined as Catawba Way to the north, Central Avenue/Independence/I-277 to the south, Davidson Street to the west and The Plaza/Thomas Avenue to the east. The boundaries encompass the entire Belmont neighborhood and portions of the Optimist Park, Villa Heights, Plaza-Midwood, Piedmont Courts and Elizabeth neighborhoods.

The Planning Commission used a consultant team of planners and urban designers, Commission staff, other City and County staff, and community stakeholders to develop the plan. A market study was included in the planning process to provide information on demographics and housing and retail demand in the area.

The Plan is divided into two volumes: Volume I identifies key projects recommended to revitalize the Belmont area and Volume II proposes specific actions to carry out the plan. The Plan addresses the followings:

- Land Use, Zoning and Urban Design
- Economic Development
- Housing, and
- Public Improvements

The revitalization plan identifies 16 housing and economic development projects and 12 public improvement projects. Key recommendations included in the Plan are:

- Reuse of the Hawthorne Mill site for retail, residential and office
- Redevelop Piedmont Courts as a mixed income community
- Construct 150 new infill homes on vacant lots and the rehabilitation of more than 350 existing housing units
- Improve the Central Yard site which would entail upgrading the appearance of the yards and relocating three operations currently

- located at the site (funding for this project was approved as part of the FY03 CIP and the project is to be completed by FY08)
- Develop three neighborhood retail nodes in the area
  - Make public improvements to open space, streetscapes, and transportation infrastructure.

**Committee Discussion:**

The Planning Committee received public comment on the plan on March 18, 2003. On April 7, the Planning Committee voted unanimously (6-0) to approve the Belmont Area Revitalization Plan.

Council's CWAC Committee received a presentation on the plan at their April 17 meeting. Staff provided a brief overview of the plan and distributed a written summary that included comments made by citizens at the public meeting that was held on April 14, 2003. Staff noted that most of the speakers spoke in favor of Volume I: Concept Plan which Council is being asked to adopt. Most of the issues raised by citizens related to recommendations included in Volume II: Implementation Plan (i.e., corrective rezonings, purchasing convenience stores, proposed road extensions). Council is not being asked to take action on this part of the plan but to receive it as information. The staff responses to these issues are also included in the attachment.

Council member Spencer was concerned that the plan did not recommend a corrective rezoning for an area generally located south of Central Avenue and west of Louise Avenue which is part of the Elizabeth neighborhood. The area is currently zoned R-22MF and the existing land use consists of duplexes, apartments and single family homes. She also noted that the Plan boundary split the neighborhood by leaving the area east of Louise Avenue out of the study and it is also zoned R-22MF. Staff responded that this area could be addressed through a plan amendment and this process could be completed by late June or early July.

A question was raised about land acquisition and how it was connected to the Hope VI Grant Application. Staff responded that on February 14, Council approved \$1.2 million dollars of federal funds (HOME and CDBG). The funds will be used for land acquisition in Belmont to support the Hope VI grant application for Charlotte Housing Authority (CHA) replacement housing for Piedmont Courts residents. The process to acquire land in Belmont is the same as used in other areas. To date, staff has compiled a data base that includes an inventory of all vacant land with property tax values. Staff will use this data to acquire land identified in the Belmont Plan and respond to the needs of the CHA. If the CHA is unsuccessful and not awarded the Hope VI grant, the land that is purchased will be used for infill housing to support implementation of the Belmont Plan. The Plan calls for 150 new single family homes to be built on lots in the neighborhood.

The Committee was also concerned about the City purchasing businesses in the neighborhood. The first phase (1-5 years) of the Plan focuses on

developing residential properties to help stabilize the neighborhood and enhance market conditions. There may be a need in phases 2 or 3 to purchase some of the businesses where residential development is proposed. The business owners want their properties purchased early in the process to get the highest return for their property before the corrective rezonings are implemented.

The Committee raised the issue of the amount of I-2 zoning currently in the neighborhood and if corrective rezonings are being recommended. Staff referred them to page 6 of Volume II: Implementation Plan that outlines the recommended corrective rezonings. Staff also noted that there are a number of functioning companies that are currently zoned I-2 that the plan doesn't recommend a rezoning (i.e., Crowder Construction, Allison Fencing, Barnhardt Manufacturing, City's Central Yard Facility, and Murray/Jack's Cookie Company).

Council member Cannon expressed concern about all I-2 zoned land adjacent to residential areas throughout the City. Staff responded that we did not know the actual amount without further research but that we had concerns about downzoning all I-2 zoned land. A better approach may be to increase performance standards for certain uses permitted in the I-2 district when they are located near an area that is zoned residential or used for residential purposes. This was done for landfills, quarries and waste incinerators several years ago.

The Committee which consisted of Council members Mumford, Cannon Lochman, Spencer, and Mitchell then voted 5-0 to recommend that the Belmont Area Revitalization Plan be adopted with the following changes:

1. Add to Volume II: Implementation Plan a recommended corrective rezoning for an area located south of Central Avenue and west of Louise Avenue to be rezoned from R-22MF to a single family district either R-5 or R-8.
2. Initiate a Plan amendment for the area east of Louise Avenue to the railroad tracks and also consider corrective rezonings if appropriate.

**Community Input:**

The Plan received significant public input. In preparation of the Plan, staff and the consultant team:

- Conducted over 20 individual interviews with key community stakeholders
- Held five stakeholder meetings
- Held six community workshops

The Planning Committee hosted a public comment meeting on the Plan on March 18, prior to adopting the Plan on April 7, 2003.

On April 14, 2003, Council held a public hearing on the Plan to receive citizen

comments. Twelve speakers spoke at the meeting. A detailed summary of their comments and staff responses is included in the attachment.

Generally the issues raised included:

- Desire for existing convenience store owners to be included in the proposed economic development projects; concern about displacement of existing convenience stores
- Desire of landowners to be bought out early in the process
- Opposition to downzoning B-1 properties (mostly convenience stores) in the neighborhood to residential
- Concern about the proposed new street extensions and connections
- Concern that corrective rezonings need to be implemented for the Plan to come to fruition
- Concern that the Plan recommends institutional where the land is currently being used for residential
- Relocating Piedmont Court residents to an area proposed for multi-family that conflicts with the adopted Optimist Park Plan that calls for mixed use in the same location

Notices of this public meeting were mailed to property owners in the study area, the stakeholder group and those who have attended past community meetings on the plan. Notices were also provided to community leaders to distribute to multi-family tenants in the area.

Key issues identified during the planning process included:

- Image of the area as high crime
- Need to upgrade housing
- Need to help existing residents and not displace them
- Provision of social services for substance abusers
- Need to provide more active recreational play areas
- Need to develop community center in the neighborhood
- Removal of median along Parkwood
- Create jobs and economic opportunities for existing residents
- Proliferation of convenience stores
- Lack of retail stores that offer quality goods and services

### **Attachment 6**

Draft Belmont Area Revitalization Plan Volumes I and II  
Comments and Staff Responses from April 14, 2003 City Council Public Meeting

Responses to Questions on Belmont Plan  
HOPE VI Project and Land Acquisition  
Belmont Neighborhood Acquisition Project Update

### 13. Non-Consensual Towing Ordinance



**Action: Approve the Community Safety Committee recommendation to adopt an ordinance amending Chapter 6 of the City Code to regulate non-consensual towing on private property.**

**Committee Chair:** Patrick Cannon

**Staff Resources:** Vi Lyles, Assistant City Manager  
Mark Newbold, Charlotte-Mecklenburg Police

**Explanation:**

The Police Department proposed an ordinance that regulates non-consensual tows from private property. The proposed ordinance results from numerous complaints to Charlotte-Mecklenburg Police Department and City Council regarding excessive fees charged when vehicles are towed from private property without the consent of the individual in control of the vehicle.

While the City regulates the fees for tows from public streets, wrecker and booting companies can charge any amount they choose for services on private property. Disputes between citizens and wrecker and booting company personnel over tows and service fees have resulted in breaches of the peace that have required police intervention. There are currently no clear legal guidelines for officers to follow in these situations.

The Community Safety Committee has been involved in the development of an ordinance that regulates the fees that can be charged for non-consensual towing and booting on private property. At its April 10 meeting, the Committee voted unanimously to recommend that Council adopt the ordinance.

The ordinance has several key provisions:

- Requirements for signage in private parking lots that prohibits unauthorized parking and provides a number to call if a vehicle is towed. Similar signage is required for parking lots that use booting companies. Signage will include the universal symbol indicating that parking is not permitted.
- Sets a maximum fee of \$120 for the trespass towing of a Class A vehicle from a private parking lot and a maximum storage fee of \$10 per day that can begin accruing when a vehicle has been stored on a wrecker lot for 24 hours. The fees are inclusive of all towing charges. Tows for vehicles with a gross weight exceeding 9,000 pounds are not regulated under this ordinance.

- Sets a maximum fee of \$50 for booting a vehicle. The fee is inclusive of any fines collected by a parking lot owner for unauthorized use of a paid parking space.
- Prohibits towing services from towing a vehicle if the person in charge of the vehicle returns to the scene prior to the vehicle actually having been towed from the scene. If the driver returns, the wrecker company must release the vehicle at no charge. The same principle applies to booting of vehicles on private property.
- Requires towing companies to have someone available between the hours of 7:00 a.m. and 11:00 p.m. to release a vehicle.
- Establishes a criminal penalty for the violation of the ordinance.
- Has a sunset provision of one year so that the ordinance can be reviewed to ensure that it serves the interests of all stakeholders; an interim report will be given to the Community Safety Committee after six months.

**Committee Discussion:**

The emphasis of the Community Safety Committee discussions was to develop an ordinance that balances the interests of all stakeholders: private property and parking lot owners, citizens whose cars are towed or booted and the wrecker and booting companies. After their initial review of the ordinance, the Committee directed staff to meet with stakeholders and use their input in making revisions to the draft ordinance. Staff met with approximately 40 stakeholders on October 30, 2002. Council also heard public comments on the ordinance at its January 13, 2003 meeting. At that time, staff was asked to get additional information on wrecker charges. It has been difficult to get accurate local figures. Staff also surveyed eight other cities that regulate wrecker fees and found that the fees proposed in Charlotte's draft ordinance are among the higher fees allowed.

The most difficult issue for the Committee to decide was whether to recommend allowing wrecker companies to collect a drop fee if they had begun the towing process when the individual in charge of the vehicle returned to the scene. The Committee considered several options but finally decided to recommend that wrecker companies be required to release the vehicle at no charge if the driver returned to the scene. In the event the vehicle must be released to the owner, the ordinance requires that vehicle owner provide his name and address to the parking lot agent. The agent or owner of the parking lot may then elect to proceed with a trespass action against the vehicle owner.

The Committee voted to recommend the adoption of the ordinance at its April 10<sup>th</sup> meeting. The vote was 4-0 with Mayor Pro Tem Cannon and Council members Cogdell, Tabor, and Wheeler voting for the ordinance. Council member Mitchell had been excused earlier in the meeting. The Committee

added the one-year sunset provision and the six-month review at this meeting.

**Community Input:**

Staff met with stakeholders on October 30, 2002 and solicited written comments on the ordinance. The wrecker and booting companies have expressed concerns regarding the ordinance and felt that the fee schedule should take into account their costs, including the cost of their equipment. They also expressed concern regarding the lack of a drop fee. One other source of concern was a requirement, in early drafts of the ordinance, that wrecker companies be available 24 hours per day to release vehicles. That requirement has been modified to address their concerns.

**Attachment 7**

Ordinance

Survey of local towing fees

Survey of fees charged by other cities

## 14. 2003 Housing Trust Fund Project Recommendations



**Action: Approve Communities Within A City Committee (CWAC) recommendation to approve letters of support, financial commitments and/or a waiver of the Housing Locational Policy for the Housing Trust Fund Multi-Family Rental Housing Recommendations.**

**Committee Chair:** Pat Mumford

**Staff Resources:** Stan Wilson, Neighborhood Development  
Jeff Meadows, Neighborhood Development

**Policy:**

The City's FY2003 Consolidated Action Plan identifies the need for affordable, safe and decent housing for low and moderate-income families. The Plan was approved by City Council on May 13, 2002 and reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing and support family self-sufficiency initiatives. The City's Housing Locational Policy, adopted November 26, 2001, guides the City in determining the appropriate location for public assisted multi-family housing.

**Explanation:**

This action approves letters of support, Housing Trust Fund financial commitments and/or a waiver of the Assisted Multi-Family Housing Locational Policy for eight multi-family housing projects. City Council may approve all projects as a package or vote on each project separately. Below is a matrix of the actions being requested followed by a detailed explanation of each action:

No.	Project Name	Support Letter	City Financial Commitment	Housing Locational Policy
1	Glenwood Place	Yes	Yes - \$700,000	Exempt- Elderly
2	Arbor Glen III	Yes	Yes - \$230,000	Exempt
3	Mayfield Terrace	Yes	Yes - \$740,000	Prohibited Waiver Needed
4	Rocky Branch II	Yes	Yes - \$2,800,000	Exempt Priority Area
5	Tyvola Crossing	Yes	Yes - \$800,000	Waiver Approved 12/10/01
6	Southside Homes	Not Needed	Yes - \$2,000,000	Exempt Rehabilitation
-----Cut-Off Line for Funding-----				
7	Druid Hills Rental	Not Needed	No - \$856,140	Exempt Rehabilitation
N/A	Barrington Oaks Apartments	Yes	None Requested	Exempt Rehabilitation

Letters of Support

Six projects require letters of support from the City for the North Carolina Finance Agency. The letters are needed to support these project applications for low income tax credits or bond financing. The projects are

- Arbor Glen III
- Glenwood Place
- Mayfield Terrace
- Rocky Branch II
- Tyvola Crossing
- Barrington Oaks Apartments

All of the projects meet the requirements of the City’s Housing Locational Policy, except for Mayfield Terrace, which requires a waiver.

Housing Trust Fund Financial Commitment

The Housing Trust Fund Multi-Family Rental Request for Proposals (RFP) was issued in February 2003. Nine development teams submitted proposals, which were received by Neighborhood Development on March 4, 2003. Upon review, evaluation and ranking, six projects are recommended for funding:

- Glenwood Place
- Arbor Glen III
- Mayfield Terrace
- Rocky Branch II
- Tyvola Crossing
- Southside Homes

One project, Druid Hills Rental falls below the available funding line (\$7,640,316 – FY2003 Multi-Family Rental Funding Allocation) at this time. However, if one of the above projects does not secure its other financial

commitments this project will be recommended for funding. Two projects were excluded from consideration. Giverny Gardens was disqualified as being non-responsive to the RFP and the developer withdrew Maple Ridge.

The six recommended proposals represent 567 housing units, funding requests totaling \$7,270,000 from the Housing Trust Fund and total project costs of \$43,580,427. Overall the six projects represent a 1:6 leverage ratio, meaning that every \$1 of City funds invested will be leveraged by \$6 of other investment resources.

The unit distribution by area median income (AMI) served for the projects recommended for funding is presented below:

<b>Income Level Served</b>	<b>Units</b>	<b>Percent of Units</b>
30% or Less of AMI	211	37.2%
40% to 60% of AMI	256	45.1%
80% of AMI	100	17.7%
<b>Total</b>	<b>567</b>	<b>100%</b>

Each of the above projects will be coming back to Council for formal contract approval at a future date.

#### Waiver of Housing Locational Policy

One project, Mayfield Terrace needs a waiver of the City's Housing Locational Policy. The waiver is required because the project is located in a prohibited area (Washington Heights). Washington Heights is one of the City's targeted revitalization neighborhoods. The Housing Locational Policy permits Council to grant a waiver for neighborhood revitalization areas.

#### **Committee Discussion:**

The CWAC Committee discussed the HTF Multi-Family Housing RFP at their meeting on May 1, 2003. The Committee asked specific questions pertaining to the projects and raised some future policy items for discussion. An inquiry was made regarding the community awareness of the Mayfield Terrace project in the Washington Heights neighborhood, which requires a waiver of the Housing Locational Policy. Staff has discussed the project with the neighborhood.

Two concerns were raised about Glenwood Place. One was whether the project was exclusive for the elderly or did it permit younger disabled individuals as residents. The second was whether the leasing agreement will prohibit individuals with major felony convictions, i.e., sex offenders. The developer attended the meeting and indicated that the project was exclusive for the elderly and the leasing agreement prohibits individuals with felony convictions. Staff also indicated that the project was for the elderly and will follow-up on the issue regarding the leasing agreement.

The Committee members raised some general policy concerns. Concern was expressed regarding exemption of elderly projects from the Housing

Locational Policy. Specifically, that the low-income nature of the elderly could drag down the buying power of a neighborhood. There was also a discussion on whether the City has granted too many waivers of the Housing Locational Policy. Staff indicated that most developers of proposed projects in violation are discouraged from submitting an application. The Committee requested a list of projects that staff discouraged the developer from submitting a proposal because the location was in a prohibited area. It was suggested that Neighborhood Revitalization areas could be established as a separate area. Also, information was requested about an affordable housing land banking strategy at transit station areas.

The Housing Trust Fund Board and staff were commended for achieving a leverage ratio of 1:6 and financing 211 units at 30% and below of the area median income. Staff was encouraged to share this success story with the community. The Committee expressed overall support for the work of staff and the Housing Trust Fund Advisory Board.

The CWAC Committee unanimously (3-0) approved the staff recommendation. The committee members present were Council members: Mumford, Mitchell and Spencer. Council members Cannon and Lochman were absent.

**Background:**

On January 13, 2003, City Council approved the FY03 Housing Trust Fund Allocation. The FY03 Allocation for Multi-Family Rental projects is \$7,640,316. The proposals were reviewed in accordance with the Loan/Grant Guidelines and Evaluation Criteria adopted by the Housing Trust Fund Advisory Board. City staff evaluated and ranked the proposals based on the following factors:

- Adherence to City Policies
- Development Strengths
- Development Team Experience
- Financial Strength
- Bonus Points (for supportive services, housing efficiencies, transit station area development, proximity to amenities and mixed income development).

On April 10, 2003 the Housing Trust Fund (HTF) Advisory Board received a briefing on the City staff's Housing Trust Fund Multi-Family Rental RFP project recommendations. In addition City staff received policy guidance from the HTF Advisory Board in the following areas; project vacancy rates, market study, appraisals and financial terms.

The Housing Trust Fund Advisory Board members are Paul Woollard, Chair, Brian Simpson, Vice Chair, Jeff Bradsher, Rickey Hall, Anthony Lindsey, Patrick McNeely and Tom Reddin.

The 2003 Multi-Family Rental RFP Funding Recommendations Report was distributed to Council on April 14, 2003.

**Funding:**

City Bond and Federal HOME Funds. The funding commitment for tax credit and bond funded projects is contingent upon approval of tax credits or bonds by the North Carolina Housing Finance Agency and City Council's approval of the final pro-forma. Of the six projects recommended for funding, five are tax credit and bond funded projects. Due to IRS requirements HOME funds will be used for tax credit projects.

**Attachment 8**

CWAC Committee Presentation – May 1, 2003

Housing Trust Fund Evaluation Criteria

**15. NC Moving Ahead Initiative**



**Action: A. Approve Transportation Committee recommendation to submit the City's list of projects for NC Moving Ahead funding, and**

**B. Direct Councilmember White's vote regarding MUMPO's list of projects to be submitted for NC Moving Ahead funding. .**

**Committee Chair:** Sara Spencer

**Staff Resource:** Jim Humphrey, Transportation

**Explanation:**

The Legislature is expected to approve the Governor's NC Moving Ahead initiative within weeks. The Governor proposed the initiative to stimulate the economy by providing jobs and addressing funding needs. Under the initiative, \$700 million will be made available from cash reserves in the Highway Trust Fund -- \$630 million for roads and major maintenance, preservation and modernization and \$70 million for transit, pedestrian, bicycling and regional planning/air quality.

It is noteworthy that the State intends to use a portion of the \$70 million to fully fund the State's share of the South Corridor Light Rail Project. This would be in addition to other funds previously set aside. The initiative also will include funding for regional planning/air quality conformity that will address City Council's legislative goal regarding that issue.

NCDOT sent letters to legislators, Metropolitan Planning Organizations and Rural Planning Organizations and local officials in early April requesting submittal of road projects that should be considered for funding should the

Legislature approve the proposal. The letter lists goals and criteria for project selection. Generally, funds are limited to projects costing \$0.5 million to \$2.5 million and which can be implemented in 2 to 3 years. These requirements limit the program to projects that are ready for construction and need minimal design, right-of-way and environmental work. A copy of the letter is attached.

On April 28<sup>th</sup> City Council referred this matter to the Transportation Committee.

**Committee Discussion:**

The Transportation Committee met on May 5, 2003. Council members Spencer, White, Carter, Graham and Tabor were present.

By unanimous vote, the Committee agreed to submit the list of 81 projects to show that Charlotte has great funding needs for the types of projects solicited. The Committee was assured that staff has coordinated with development/regulatory staff in identifying narrow two-lane roads, which might be widened to two wider lanes. The Committee questioned why more bridges were not identified. Staff said that the State should identify problem bridges since they inspect them every two years. The Committee asked if potholes were eligible. Staff responded that the funds are targeted toward major rehabilitation of deteriorated roads, not routine patching.

The Committee also unanimously agreed to endorse the list and priorities of road projects to be submitted by the Mecklenburg Union Metropolitan Organization (MUMPO) for potential NC Moving Ahead funding and that Council member Joe White, the City's representative, use the list and other considerations in determining his vote.

**Attachment 9**

MUMPO List of Roads Projects

City List of Roads Projects

Letter from NC Secretary of Transportation Tippet dated April 3, 2003

**16. Four-Year Staggered Terms for Mayor and Council**

This item will be sent to City Council in the Friday, May 9<sup>th</sup> Council-Manager Memorandum.

## BUSINESS

### 17. Business Investment Grant for Time Warner Cable

**Action:** A. Approve the framework for a Business Investment Grant to Time Warner Cable for \$3 million (City/County) paid over a ten-year period beginning in January 2004, and

B. Authorize the City Manager to develop and execute the necessary documents for this Business Investment Grant.

**Staff Resource:** John Palmieri, Economic Development

**Policy:**

Support the development of an economic environment that attracts new businesses, retains existing businesses and offers a diverse economic mix

**Explanation:**

On July 22, 2002 City Council authorized the City Manager to negotiate a City/County business investment grant agreement with Time Warner Cable. This grant was part of an incentives package to attract Time Warner Cable's 650 new jobs to Charlotte. Time Warner Cable decided to accept the incentive package and has already filled more than 200 positions in Charlotte.

The Framework (attached) sets forth the general terms and conditions for this grant and meets directions given by City Council on July 22, 2002. This grant covers:

- The relocation of Time Warner's Corporate Operations facility from Denver.
- The creation of a new Shared Services facility in Charlotte for accounts payable and payroll.
- The consolidation of other administrative functions in Charlotte.

Under this grant Time Warner Cable will create 670 new jobs in Charlotte with an annual payroll of \$29.7 million and invest \$27.9 million.

The general terms and conditions include:

- All grants paid over a ten-year period
- Eighty percent of the planned employees must be employed in Charlotte for the grant to begin and continue
- Payments of grants for all phases will cease if any of the phases is relocated out of Charlotte during the grant period

The estimated total City/County annual payment to Time Warner is \$142,000 for Phase IA and \$162,000 for Phase IB. The estimated City's share is

\$51,600 for Phase IA and \$57,000 for Phase IB. The estimated grant amounts are revenue positive to the City.

The economic benefits of attracting Time Warner Cable to Charlotte are:

- Creation of 670 new jobs (80% will be hired locally) at an average pay of \$45,200 that is 140% of Charlotte's average wage
- New investment of \$27.9 million
- Direct economic impact of \$47.5 million
- Direct fiscal impact to the City of \$604,000 and to the County of \$929,000
- The possible relocation of other Time Warner functions in Phases II and III with an additional 480 new jobs and \$38.6 million of new investment

The County Commission approved this Business Investment Grant on May 6, 2003.

**Funding:**

Business Investment Grant Fund. First grant payment would be made in January 2004.

**Attachment 10**

Framework for a Business Investment Grant with Time Warner Cable

## 18. Nominations to Boards and Commissions

**Action: Nominate citizens to serve as specified.**

**A. PRIVATIZATION/COMPETITION COMMITTEE**

One appointment beginning immediately and ending March 2005.  
Road Ammons has moved out of state.

**Attachment 11**

Applications

## 19. Motion for Closed Session

**Action: Adopt a motion to go into closed session pursuant to G.S. 143-318.11(a)(3) to consult with the City Attorney concerning the handling or settlement of Estate of Sara Carolina Gaffney v. Anthony S. Darby and The City of Charlotte, 02-CVS-5226.**

**Staff Resource:**

DeWitt F. McCarley, City Attorney

## **Introduction to CONSENT**

The consent portion of the agenda is divided into two sections: Consent I and Consent II.

Consent I consists of routine items that have been approved in the budget, are low bid and comply with Small Business Opportunity good faith efforts.

Consent II consists of routine items that have also been approved in the budget, but require additional explanation.

The City's Small Business Opportunity Program's (SBO) purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts advertised as of March 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization.

Disadvantaged Business Enterprise (DBE) is a federal program primarily used for Aviation and Transit.

Contractors and Consultants

All contractors and consultants selections follow the Council approved process unless explained otherwise.

## **CONSENT I**

### **20. Various Bids**

#### **A. Marsh Road Area Storm Drainage Improvements E&PM**

**Recommendation:**

The City Engineer recommends the low bid of \$2,597,150.13 by Thalle Construction Co. Inc. of Hillsborough, North Carolina. This storm drainage project will improve the existing storm water system and address street flooding, house flooding, and stream erosion. The project involves replacement of culverts and underground pipe systems, stream stabilization, construction of curb and gutter, and related construction activities. The project is bound by Marsh Road, South Boulevard, Scaleybark Road, Hartford Avenue, and Selwyn Farms.

The project is scheduled for completion by the second quarter of 2004.

**Small Business Opportunity:**

Established SBE Goal: 15%

Committed SBE Goal: 3%

Thalle Construction Company, Inc. met the Good Faith Efforts.

**B. Resurfacing, FY-2003 A** **E&PM**

**Recommendation:**

The City Engineer recommends the low bid of \$4,635,090.80 by Blythe Construction, Inc. of Charlotte, North Carolina. This annual project is one of two paving contracts this year and resurfaces approximately 84 miles of city streets. The work includes traffic control; pavement milling; resurfacing; manhole and water valve adjustments; wheelchair ramp construction and temporary pavement markings.

**Small Business Opportunity:**

Established SBE Goal: 9%

Committed SBE Goal: 12.7%

**C. Resurfacing, FY-2003 B** **E&PM**

**Recommendation:**

The City Engineer recommends the low bid of \$3,319,971 by Crowder Construction of Charlotte, North Carolina. This annual project is one of two paving contracts this year and resurfaces approximately 50 miles of city streets. The work includes traffic control; pavement milling; resurfacing; manhole and water valve adjustments; wheelchair ramp construction and temporary pavement markings.

**Small Business Opportunity:**

Established SBE Goal: 6%

Committed SBE Goal: 4.91%

Crowder Construction met the Good Faith Efforts.

**D. Grounds Maintenance - Phase III** **E&PM**

**Recommendation:**

The City Engineer recommends the low bid of \$215,842 by Caddell Turf Management of Charlotte, North Carolina. This will provide turf and landscape maintenance services at 34 City property locations for a period of three years.

Bids were received on October 31, 2002 and the low bidder, Whitecaps Lawn Care was given a notice to proceed on December 6, 2002 for work to begin in January 2003. The contractor failed to perform the work per the project specifications and has breached the contract. Re-bids for the contract were received on April 29, 2003.

**E. Traffic Signal Fiber Optic Cable Project****CDOT****Recommendation:**

The Department of Transportation Director recommends the low bid of \$310,366.14 by Whiting Construction Company, Incorporated of Troutman, North Carolina. This project is to install fiber optic cable and conduit along Rea Road between I-485 and Parks Farm Lane, Ballantyne Commons Parkway between Tom Short Road and Elm Lane, Providence Road West between Lancaster Highway and US521 and US521 between Providence Road West and Ardrey Kell Road. The fiber optic cable will provide improved synchronization between interconnected traffic signals.

**F. Traffic Signal Loop Detector Installation****CDOT**

**Recommendation:** The Department of Transportation Director recommends the low bid of \$198,202.50 by Bryant Electric Repair & Construction of Gastonia, North Carolina. This project will consist of the installation of traffic signal roadway embedded loops and associated traffic signal construction/maintenance work on an as-needed basis at various locations within the City. The work includes saw cutting the roadway surface, placement of wire and sealant, trenching, placement of conduit and pull boxes and site restoration.

**21. Refund of Property Taxes**

**Action: Adopt a resolution authorizing the refund of business privilege license payments made in error in the amount of \$5,626.45.**

**Attachment 12**

Resolution

List of Refunds

## CONSENT II

### 22. Storm Water Capital Improvement Projects

**Action: A. Adopt a budget ordinance appropriating \$11,000,000 for Storm Water Capital Improvement Projects, and**

**B. Award the low bid contract to Ferebee Corporation in the amount of \$1,373,326.42.**

**Staff Resource:** Tim Richards, Engineering and Property Management

**Explanation:**

The appropriation of \$11,000,000 will provide funding for upcoming capital projects including planning for Nightingale, Eastburn, Cherokee, and Shillington, and construction of Marsh, Magnolia/Kirkwood, and Provincetowne. These projects will be delayed until July 2004, if additional funding is not appropriated.

The Meadowdale Carousel Storm Water project is located in the Meadowdale Lane area northeast of Independence Boulevard, south of Albemarle Road and northwest of W. T. Harris Boulevard. Improvements include replacement of culverts, stream stabilization, ditch excavation, and construction of curb and gutter to address street and house flooding and stream erosion.

This project was initiated based on the severity of drainage problems, citizen service requests, and through Charlotte Storm Water Services internal capital project ranking procedures. The planning phase started in fall 1999.

The project is scheduled for completion by the second quarter of 2004.

**Small Business Opportunity:**

Established SBE Goal: 14%

Committed SBE Goal: 2%

**Funding:**

Storm Water Capital Investment Plan

**Attachment 13**

Budget Ordinance

## 23. Stream Restoration Services

**Action: Approve amendment #1 to the agreement for engineering for stream restoration services with Buck Engineering, PC for \$400,000.**

**Staff Resource:** Tim Richards, Engineering and Property Management

### **Explanation:**

On October 8, 2001, Council approved the original agreement for \$250,000 with Buck Engineering for stream restoration services. This amendment will provide \$165,000 in additional funds to continue stream restoration services that are currently underway where changing course would be difficult. It also provides \$235,000 in funds for approximately two more years of stream restoration services in recognition of the consultants good performance.

The quality of many of Charlotte's streams has deteriorated due to erosion and urban pollution. As Charlotte Storm Water Services works to reduce flooding with capital improvement projects, state and federal environmental regulatory agencies require that the City perform stream restoration to offset the possible negative environmental effects of the capital improvement projects. Stream restoration is the process of converting a deteriorated stream to a more natural and healthy system. The benefits of stream restoration include beautification, improved water quality, increased green space, and improved wildlife habitat.

### **Funding:**

Storm Water Capital Investment Plan

## 24. Charlotte Area Transit System Park and Ride Lot Land Acquisition

**Action: Approve the purchase of 3.164 acres of vacant property in Matthews (tax codes 193-231-30 and 193-231-31) from Squires Realty, Inc. for \$823,290 for a Park and Ride Lot.**

**Staff Resource:** David Feltman, Transit  
Diane Johnson, Engineering and Property Management

### **Explanation:**

The purchase of this property is for a Charlotte Area Transit System (CATS) proposed park and ride lot with approximately 327 parking spaces, including eight handicapped spaces. The property will enable CATS to provide reliable transportation services, promote ridership and serve one of CATS' fastest growing and most popular express routes in eastern Mecklenburg County.

Transit patrons are currently parking in nearby Windsor Square Shopping Center but the existing license agreement is on a month-to-month basis, and therefore unstable for the long-term. The location is excellent for bus operations and has been selected in coordination with the Town of Matthews.

The two contiguous tracts of land contain 3.164 acres of vacant property located off Independence Boulevard and Sam Newell Road on Independence Pointe Parkway in Matthews. The property is currently zoned B-1 (CD) which is neighborhood business (commercial development). Park and ride facilities are permitted uses under this zoning designation.

CATS has complied with National Environmental Policy Act requirements and has received Federal Transit Administration approval of the categorical exclusion documentation.

At its regular meeting on November 19, 2002 the Charlotte-Mecklenburg Planning Committee voted unanimously to support the purchase of this property for development of a park and ride lot.

**Funding:**

CATS Capital Investment Plan

## 25. Transit Office Space Lease Agreement

**Action: A. Approve a three-year lease agreement to Walker Wells for office space located at 400 East Trade Street having a base rent of \$14,320.31 a month.**

**B. Authorize the City Manager or her designee to negotiate and execute one-year contract renewals with a 2.5% increase per year in the base rent for not more than two additional years.**

**Staff Resource:** Kent Winslow, Engineering and Property Management

**Explanation:**

Since 1998, Charlotte Area Transit System (CATS) has implemented an expansion program focused on increasing bus service to the City and region, and developing the five rapid transit corridors as outlined in the 2025 Integrated Transit / Land-Use plan. CATS has seen results from this expansion with the development of the South Corridor Light Rail project, the approval of the four remaining rapid transit corridors in the fall 2002 and a 29% increase in ridership. To support this growth and future growth, there is a need for additional office space to be located near the Government Center. The office space proposed offers the best price and working environment within reasonable proximity to the Government Center.

Terms of the lease are as follows:

- Base rent is \$14,320.31 monthly
- Premises consist of 9,165 sq. ft. at \$18.75/sq. ft.
- Annual rent increase was competitively set at 2.5% a year
- Thirty parking spaces are included at no additional cost
- Owner is contributing \$91,650 as a Tenant Improvement Allowance
- City will be responsible for its utility expenses
- City will pay its proportionate share of the Landlord's maintenance and operations of the building but not to exceed 10% increase per year

Approximately 30 positions assigned to CATS Development (excluding South Corridor) and 10 call center positions will be located at this office space at the corner of Trade and Brevard Streets.

**Funding:**

CATS Operating Budget

## 26. Central Avenue Streetscape, Phase I

**Action: Approve change order #1 with United Construction, Inc. of Charlotte, North Carolina for \$458,850.**

**Staff Resource:** Tim Greene, Engineering and Property Management

**Explanation:**

Council awarded the contract on April 30,2002 for \$1,376,954.51.

The Central Avenue Streetscape Phase I project (Kilborne Drive to Eastway Drive) was bid with incomplete plans (60%) due to an accelerated schedule. Staff accelerated the project schedule in order to complete the project prior to closing Albemarle Road/Independence Boulevard Intersection as part of NCDOT's widening of NC-74. Based on the now finalized plans, quantities for stone base material; asphalt pavement and pavement markings have exceeded original contract quantities.

This change order will provide funds to complete the project. Prices are based on existing contract unit prices and are appropriate for the work.

The new contract sum is \$1,835,804.51.

Completion of the project is scheduled for June 2003.

**Funding:**

Transportation Capital Investment Plan

**Attachment 14**

Status Report for Central Avenue Streetscape-May 2003

**27. Police Department Information Technology Professional Services Contracts**

**Action: Authorize the City Manager to execute contracts for information technology professional services at Charlotte-Mecklenburg Police Department in support of the COPS MORE '98 grant. The current estimated costs are not planned to exceed \$850,000.**

**Staff Resource:** Major Kevin Wittman, Charlotte-Mecklenburg Police

**Explanation:**

The Police Department is continuing to work on enhancements to its Knowledge Based Community Oriented Policing System (KBCOPS). The modules in this information system are being developed with funds received from the U.S. Department of Justice under a COPS MORE' 98 grant. These funds must be spent by February 2004.

In order to complete the initiatives funded by the grant, the CMPD Technology Solutions Division is adding seven or eight senior-level temporary personnel with specialized expertise in business analysis, programming, documentation, and quality assurance. These contractors will design, develop, enhance, code, and test CMPD web-based applications associated with the new system modules. The end result of this work will be the addition of a problem-solving system, an ALERT Contact Network, a juvenile arrest module of KBCOPS, a Crime Lab Information System and other web based functional programs easily accessible to officers through their laptop computers.

Personnel recruited for this project include vendors who are approved and listed on the City Procurement Division's Request for Council Action "Contractual Agreements with Information Technology Professional Service Providers". The Police Department requests approval for contractual payments to single vendors in amounts that may exceed \$100,000. The current budget approved by the Department of Justice for this technical support is approximately \$1.5 million. The Police Department estimates that the total cost of these contracts will be approximately \$850,000.

**Funding:**

COPS MORE' 98 grant from the U.S. Department of Justice

## 28. McDowell Creek Wastewater Treatment Plant Improvements–Contract Amendment with Black & Veatch

**Action: Approve amendment #2 with Black & Veatch to continue additional engineering services at the McDowell Wastewater Treatment Plant for a cost not to exceed \$331,000.**

**Staff Resource:** Doug Bean, Utilities

**Explanation:**

On July 19, 1999, City Council approved a contract with Black & Veatch to provide engineering and construction management services for Phase III improvements at the McDowell Creek WWTP. These improvements include biosolids thickening and dewatering, electrical upgrades, centrifuge equipment and a potable water pipeline to the plant. Amendment #1 was approved by City Council on April 22, 2002 for \$472,111. This amendment was for additional design and construction administration services due to design review delays and additional scope requirements.

Additional construction administration is needed due to increasing the time to complete the two large construction contracts for adding biosolids thickening and dewatering beyond the time allotted for each of the two contracts.

With this amendment, the contract with Black & Veatch will increase from \$3,059,111 to \$3,390,111.

**Small Business Opportunity:**

All work is being performed in-house with no sub-consultant participation.

**Funding:**

Sewer Capital Investment Plan

## 29. Traffic Signal Improvements Budget Ordinance

**Action: Adopt a budget ordinance appropriating \$192,200 in private developer funds for traffic signal improvements.**

**Staff Resource:** Bill Dillard, Transportation

**Explanation:**

Crosland Retail Development is contributing \$192,200 to fully fund the installation of a traffic signal and mast arms at the intersection of US 521 and Old Lancaster Highway at Hunters Crossing as part of a land development project.

CDOT staff and the North Carolina Department of Transportation have reviewed the requested traffic signal improvement and recommends its approval.

The budget ordinance appropriates \$192,200 in developer contributions to the capital program.

**Attachment 15**  
Budget Ordinance

**30. Municipal Agreement for Installation and Revision of Traffic Signals along Mallard Creek Church Road**

**Action: Approve a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for the installation and revisions of traffic signals along Mallard Creek Church Road.**

**Staff Resource:** Gus Jordi, Transportation

**Explanation:**

The North Carolina Department of Transportation (NCDOT) plans to install new traffic signals at Mallard Creek Church Road and Old Mallard Creek Church Road, and at Mallard Creek Church Road and NC 49. NCDOT also plans to revise traffic signals at Mallard Creek Church Road and US 29, and Mallard Creek Church Road and Mary Alexander Road/Bonnie Cone Lane. Fiber optic communications cable will be installed along Mallard Creek Church Road from US 29 to NC 49, and US 29 from Mallard Creek Church Road southward to J.W. Clay Boulevard in Charlotte.

A Municipal Agreement between the City and NCDOT is necessary.

The Municipal Agreement provides for the City to perform all work for the project with costs reimbursed by the NCDOT not to exceed \$449,111.

The format and cost sharing philosophy is consistent with past municipal agreements.

**Attachment 16**  
Resolution

### 31. Annexation Street Maintenance Resolution

**Action: Adopt a resolution to:**

**A. Transfer maintenance for 62 streets from the North Carolina Department of Transportation (NCDOT) to the City of Charlotte, and**

**B. Request NCDOT resume maintenance of one street currently maintained by the City of Charlotte.**

**Staff Resource:** David McDonald, Transportation

**Explanation:**

The City accepts State-maintained streets upon request and mutual agreement and/or when the streets are within an annexed area and not part of the NCDOT primary road system.

The streets included on this list are located in the 2003 Annexation areas approved by City Council and are currently maintained by NCDOT. These streets are not on NCDOT's primary road system and qualify for maintenance under the City's Street Maintenance Policy.

This resolution requests NCDOT transfer maintenance responsibility for the attached list of 62 streets to the City.

In addition, one street currently maintained by the City will be returned to the State for maintenance responsibilities. The City is returning to the State, Carowinds Boulevard from South Tryon Street (NC 49) to the State Line. Carowinds Boulevard is a major thoroughfare and provides a major connection between NC 49 and I-77 in South Carolina. The City accepted this portion of Carowinds Boulevard through error in a previous annexation.

Both transfers will take place on June 30, 2003. Upon completion of the transfer, the City will receive Powell Bill funding for the newly maintained streets.

**Funding:**

Powell Bill

**Attachment 17**

Resolution

Street listing

### 32. Military Construction Cooperative Agreement

**Action: Adopt a resolution approving a Military Construction Cooperative Agreement with the National Guard Bureau.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation:**

The North Carolina Air National Guard has developed a master plan for the Air National Guard facility at Charlotte Douglas International Airport, which includes the construction of additional support facilities adjacent to their existing base located on the east side of the Airport. In order to facilitate that expansion, the National Guard has asked the Airport to relocate a portion of Airport Drive, which runs along the existing edge of the base and lease the National Guard additional land.

This Military Construction Cooperative Agreement will provide \$2.5 million in Department of Defense funding for the 100% reimbursement of the design fee and the construction of the relocated roadway. The construction contract will be awarded in summer 2003.

This road will also serve the Airport's North Corporate Aviation Facility.

**Attachment 18**

Resolution

### 33. Airport Telecommunications Antenna Site Lease

**Action: Approve a five-year lease with AT&T Wireless Services, Inc. for a telecommunications antenna and related facility site on the Airport's Rotating Beacon.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation:**

In December 1999, the Airport constructed a new Airport Rotating Beacon to replace the Airport Beacon that was on top of the Old Terminal building. In addition to its primary function, the new beacon tower was also designed to accommodate up to four telecommunication antennae systems.

The Airport has conducted a Request For Proposal process for the antenna locations and received one proposal from AT&T Wireless Services. This lease will allow for the installation of the antenna system and will lease AT&T Wireless Services 504 square feet of land for a communications shack used to operate the system. AT&T will pay the Airport \$3,000 per month with a 3% annual escalation.

**Funding:**  
Airport Operating Budget

### **34. Airport Lease Agreement with the General Services Administration**

**Action: Approve a lease with the General Services Administration for space to be used by the Transportation Security Administration at Charlotte/Douglas International Airport.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation:**

In November 2001, President Bush signed the Aviation and Transportation Security Act, establishing the Transportation Security Administration (TSA). The TSA is responsible for the security screening of baggage and passengers at airports nationwide.

This lease will provide four trailers totaling approximately 3,456 square feet for use by TSA employees as an assembly hall. The Airport will provide electricity, heating/air-conditioning, and water. The building will also be furnished with standard equipment used in a break-room including microwaves, refrigerators, vending machines, lockers and seating areas.

The terms of the lease are on a month-to-month basis with a one-year notice of termination. The General Services Administration will pay the Airport \$10,474.20 a month for this lease.

The Airport Advisory Committee recommends this action.

## 35. Property Transactions

**Action: Approve the following property acquisitions (A-F) and adopt the condemnation resolutions (G-J).**

For property transactions A-B, the purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired for Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

NOTE: Condemnation Resolutions are on file in the City Clerk's Office.

### Acquisitions:

- A. Project:** FAR Part 150 Land Acquisition  
**Owner(s):** Daniel Shoaf Heirs  
**Property Address:** 6425 Shoreline Drive  
**Property to be acquired:** .362 acres  
**Improvements:** Single Family Residence  
**Purchase Price:** \$90,000  
**Zoned:** R3  
**Use:** Single Family Residence  
**Tax Value:** \$79,400  
**Tax Code:** 055-365-07
- B. Project:** FAR Part 150 Land Acquisition  
**Owner(s):** Apex Homes Inc.  
**Property Address:** 3218 Barry Drive  
**Property to be acquired:** .332 acres  
**Improvements:** Single Family Residence  
**Purchase Price:** \$68,000  
**Zoned:** R3  
**Use:** Single Family Residence  
**Tax Value:** \$76,780  
**Tax Code:** 055-365-01
- C. Project:** Edwards Branch Watershed Improvements, Parcel #4  
**Owner(s):** Herbert K. Cook and Wife, Mary E. Cook  
**Property Address:** 1101 Tarrington Avenue  
**Property to be acquired:** 13,971 sq.ft. (0.032 ac.) of Storm Drainage/Conservation Easement plus 4,425 sq.ft. (0.101 ac.) of Temporary Construction Easement

**Improvements:** Storage Building

**Purchase Price:** \$13,215.00

**Remarks:** This acquisition is required for the Edwards Branch Watershed Improvements Project. Compensation was established by independent, certified appraisals in the area.

**Zoned:** R-4

**Use:** Residential

**Tax Code:** 131-115-03

**Total Parcel Tax Value:** \$110,990

- D. Project:** West Craighead/Frew Road Improvements, Parcel # 39 and 40,  
**Owner(s):** Hope Haven Foundation, Inc.  
**Property Address:** 3815 North Tryon Street and 102 West Craighead Road  
**Property to be acquired:** 2.47 sq.ft. (0.000 ac.) of Permanent Sidewalk Utility Easement plus 10,890 sq.ft. (0.250 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$17,075  
**Remarks:** This acquisition is required for the West Craighead/Frew Road Improvements Project. Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** B-2  
**Use:** Substance Abuse Rehabilitation Ctr./Commercial-Vac  
**Tax Code:** 087-011-08 and 087-011-26  
**Total Parcel Tax Value:** \$6,635,320
- E. Project:** Morris Field Drive Widening, Parcel # 36,  
**Owner(s):** Oil Equipment Properties, LLP  
**Property Address:** 4240 Morris Field Drive  
**Property to be acquired:** 4,037 sq.ft. (0.093 ac.) of Fee Simple, plus 11,056 sq.ft. (0.254 ac.) of Permanent Drainage Easement, plus 12,252 sq.ft. (0.281 ac.) of Temporary Construction Easement  
**Improvements:** Sign, Oak Tree, Landscaping  
**Purchase Price:** \$27,650  
**Remarks:** This acquisition is required for the Morris Field Drive Widening Project. Compensation was established by independent, certified appraisal and appraisal review.  
**Zoned:** R-22MF  
**Use:** Vacant  
**Tax Code:** 115-086-09  
**Total Parcel Tax Value:** \$379,300
- F. Project:** Long Creek Parallel Outfall-Phase II, Parcel # 19,  
**Owner(s):** Pine Island Country Club, Inc.  
**Property Address:** 1701 Stoneyridge Drive

**Property to be acquired:** 48,395 sq.ft. (1.111 ac.) of Permanent Easement plus 42,950 sq.ft. (0.986 ac.) of Temporary Construction Easement

**Improvements:** None

**Purchase Price:** \$28,304

**Remarks:** This acquisition is required for the Long Creek Parallel Outfall-Phase II Project. Compensation was established by independent, certified appraisals in the area.

**Zoned:** R-3

**Use:** Country Club/Office

**Tax Code:** 031-391-01

**Total Parcel Tax Value:** \$2,080,830

### Condemnations:

- G. Project:** Central Avenue Streetscape-Phase III, Parcel # 314,  
**Owner(s):** T&P Investments, a North Carolina General Partnership, General Partners: Athan Pappas and Pavlos Bisbikis and any other Parties of Interest  
**Property Address:** 2919 Central Avenue  
**Property to be acquired:** 2,156 sq.ft. (0.050 ac.) of Permanent Easement plus Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$6,250  
**Remarks:** This acquisition is required for the Central Avenue Streetscape-Phase III Project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 095-102-28  
**Total Parcel Tax Value:** \$131,710
- H. Project:** Central Avenue Streetscape-Phase III, Parcel # 313,  
**Owner(s):** Athan Pappas and Wife, Lucy Pappas, Pavlos Bisbikis and Wife, Alexandra Bisbikis and any other Parties of Interest  
**Property Address:** 2903 Central Avenue  
**Property to be acquired:** 1,030 sq.ft. (0.023 ac.) of Permanent Easement plus 2,777 sq.ft. (0.064 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$7,300  
**Remarks:** This acquisition is required for the Central Avenue Streetscape-Phase III Project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 095-102-27  
**Total Parcel Tax Value:** \$446,710

- I. Project:** Central Avenue Streetscape-Phase III, Parcel # 309,  
**Owner(s):** Papbis Enterprises, LLC and any other Parties of Interest  
**Property Address:** 2801 Central Avenue  
**Property to be acquired:** 20 sq.ft. (0.001 ac.) of Permanent Easement plus 679 sq.ft. (0.016 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$1,725  
**Remarks:** This acquisition is required for the Central Avenue Streetscape-Phase III Project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 095-093-45  
**Total Parcel Tax Value:** \$185,040
- J. Project:** Central Avenue Streetscape-Phase III, Parcel # 342,  
**Owner(s):** Robert A. Yandle, Jr. and Wife, Linda O. Yandle and any other Parties of Interest  
**Property Address:** 3620 Central Avenue  
**Property to be acquired:** 1,559 sq.ft. (0.036 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$3,125  
**Remarks:** This acquisition is required for the Central Avenue Streetscape-Phase III Project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** B-1  
**Use:** Single Family Residential  
**Tax Code:** 129-091-30  
**Total Parcel Tax Value:** \$90,560